



100

3

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P.NO. 187 /2001

PETITIONER : K.M.Bokde, son of Shri M.N.Bokde,
aged about 31 years, Occupation
Service, presently posted as
Head Cashier, Union Bank of India
Regional Office, Raipur, C'Garh.

VERSUS

- RESPONDENTS 1. Union Bank of India through its
Managing Director, UBI Head Qr.
Nariman Point, Vidhan Bhawan
Marg, Mumbai.
2. Inquiry officer / Disciplinary
Authority, being the Personnel
Officer, Regional Office, Indore.
M.P.

PETITION UNDER ARTICLE 226 / 227 OF THE CONSTI-
TUTION OF INDIA FOR ISSUANCE OF WRIT IN THE
NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND
OTHER SUITABLE WRIT/WRITS, ORDER/ORDERS, DIRE-
CTION OR DIRECTIONS.

आदेश पत्रक

मामला क्रमांक WP 187/2001 सन् 199

विरुद्ध

(81)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15.2.2001 : Mr. Manindra Shrivastava for the petitioner. Heard. The main averments contained in paragraphs 5.5 and 5.6 of this writ petition ^{are} is that the inquiry initiated against the petitioner has been concluded though final orders have not been passed, without giving the writ petitioner an adequate opportunity of defending himself. It is contended in para 5.5 among other things " It was also stated that documents will be handed-over to the petitioner on or before 28.6.2000. It was also stated that xerox copy of the documents have been sent to the defence assistant of the petitioner directly, at Bhopal. However, till date, the petitioner was not given the defence documents much less the list of defence witnesses." In para 5.6 of the writ petition it is also contended " It is submitted that it is only on 28th of June 2000 that the prosecution documents were for the first time supplied to the petitioner. No sooner, the documents were supplied to the petitioner without giving any opportunity to prepare the defence, arrange for defence witnesses and consult his defence assistant, the inquiry hastily pro-	

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित ...2...	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	ceeded with the inquiry and started recording the statement of management witnesses with effect from 29.6.2000 itself i.e. from the next date. Thereafter, inquiry continued on 30.6.2000 on which date also the management witnesses were examined . On 1.7.2000 also the inquiry continued and on which date also the management continued and concluded also." Mr. Shrivastava learned counsel for the petitioner states at ^{the} Bar today that defence assistant provided to the petitioner was an employee of the Company. The petitioner requested the inquiry authority that he be permitted to engage a lawyer of his choice. However, that request was rejected. It is submitted that in the special case where the petitioner is not able to defend himself adequately, such request ought to have been allowed. The above averments are supported by the affidavit of the petitioner himself. In the light of what has been stated above, it is submitted that inquiry in the true sense of the term has not been made, in as much as the petitioner has not been given any opportunity to defend himself. ^{if} It appears that such averments are taken to be true which I am inclined to believe in as much as such submissions have been supported by the affidavit, then the action of the inquiry officer ^{would} definitely violated the principle of natural justice, in as much	

आदेश पत्रक

मामला क्रमांक WP 187/2k1 सन् 199

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the contention of the petitioner is that when the witnesses of the company were examined, he has not been given the required documents and that in fact he was given the documents only a day before the witnesses were examined and he was not allowed any time to prepare his defence. In my view it would also be necessary to give the writ petitioner reasonable opportunity to lead evidence, if the petitioner so desires. In this view of the matter it would be fair to pass the following order :- In view of what I have stated above, other reliefs claimed in this writ petition are not considered except relief (iii). Therefore, I direct the respondents to allow the writ petitioner to lead evidence in the present inquiry. The prayer to engage a lawyer of his choice shall also be considered by the competent authority. No final order as a result of the inquiry which is said to have been concluded on 1.7.2000, shall be passed, until the petitioner is given opportunity as in directed above. with the above direction and observation this petition is disposed of.	Sd/- Chief Justice

[पीछे देखिये]

CCS
1592
15/11/2000